

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

120204

FILE: B-208721**DATE:** December 23, 1982**MATTER OF:** Technicolor Government Services, Inc.**DIGEST:**

Court's adjudication on the merits of a complaint presenting the same issues as a pending protest precludes GAO from considering the protest.

Technicolor Government Services (TGS) protests an award of a contract to produce alien identification cards to Electronic Data Systems, Inc. (EDS). The contract was awarded under request for proposals (RFP) No. C0-15-82 issued by the United States Immigration and Naturalization Service (INS). The protester challenges the award on the basis of four alleged improprieties: (1) INS awarded the contract without the 5-day review period required by OMB Circular A-86; (2) EDS failed to indicate the number of people to be employed; (3) EDS did not identify the facility to which it intended to relocate; and (4) best and final offers were not required to be submitted at the same time.

Subsequent to filing its protest, TGS filed suit in the United States District Court for the District of Columbia (Civil Action No. 82-2777), requesting declaratory and injunctive relief, or in the alternative, injunctive relief pending our decision on the protest. TGS, in the complaint, raised the above issues and raised additional issues. We suspended our consideration of the protest.

The court denied TGS's motion for a temporary restraining order on September 30, 1982. On November 10 the court held a hearing on cross-motions. On November 23 the court granted INS's motion for summary judgment. The court's adjudication on the merits precludes further action by our Office. Indiana Bell Telephone Company, B-205291, May 18, 1982, 82-1 CPD 476; 4 C.F.R. § 21.10 (1982).

B-208721

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel